

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Government,

vs.

ROD BLAGOJEVICH,

Defendant.

No. 08 CR 888

Chicago, Illinois

June 27, 2011

9:19 o'clock a.m.

VOLUME 34
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL
AND A JURY

For the Government:

THE HONORABLE PATRICK J. FITZGERALD,
UNITED STATES ATTORNEY

BY: Reid J. Schar

Carrie E. Hamilton

Christopher Niewoehner

Debra Bonamici

Assistant United States Attorneys

219 South Dearborn Street;

Suite 500

Chicago, Illinois 60604

Court Reporter:

Blanca I. Lara, CSR, RPR

219 South Dearborn Street

Room 2504

Chicago, Illinois 60604

(312) 435-5895

1 APPEARANCES (continued:)

2

3 For Defendant Rod Blagojevich:

4

KAPLAN & SOROSKY
BY: Sheldon M. Sorosky
158 West Erie
Chicago, Illinois 60610
(312) 640-1776

7

8

LAW OFFICE OF Elliott Riebman
BY: Elliott Riebman
158 East Erie
Chicago, Illinois 60610
(847) 814-2900

10

11

12

OFFICES OF AARON B. GOLDSTEIN
BY: Aaron Benjamin Goldstein
6133 South Ellis
Chicago, Illinois 60637
(773) 752-6950

13

14

15

OFFICES OF LAUREN FAUST KAESEBERG
BY: Lauren Faust Kaeseberg
2140 N. Lincoln Park West
Suite 307
Chicago, Illinois 60614
(773) 517-0622

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1 (The following proceedings were had out of the
2 presence of the jury in open court:)

3 THE CLERK: 2008 CR 888, United States versus
4 Blagojevich.

:18AM

5 MR. SCHAR: Good morning, Judge.
6 Reid Schar, Chris Niewoehner and Carrie
7 Hamilton on behalf of the United States.

:19AM

8 MR. GOLDSTEIN: Good morning, Your Honor.
9 Aaron Goldstein, Sheldon Sorosky and Elliott
10 Riebman on behalf of Rod Blagojevich.

:19AM

11 THE COURT: The jury has sent a note. I
12 think ordinarily I would not read the note as a
13 whole, but it's my belief that we are at a period of
14 time where it's unlikely to expose jurors the
15 contents of this, the note is as follows:

:19AM

16 The jury has come to a unanimous decision
17 on 18 of the 20 counts. After much
18 deliberation, we have not been able to
19 come to a unanimous decision on two of the
20 counts. We are confident we will not be
21 able to come to an agreement on these two
22 counts even with further deliberations."

:20AM

23 The views of counsel. We'll begin with the
24 prosecution.

25 MR. SCHAR: Judge, it's our view that

1 obviously they deliberated, they've been able to
2 reach a consensus on 18 of the 20 counts, which
3 means they've a good-faith effort, from the
4 government's perspective, they indicate that they're
5 not going to be able to resolve two. This is not, I
6 suppose, a surprising note for a Monday in the sense
7 that they may have given it the weekend to try to
8 come back and come to a resolution this morning,
9 they weren't able to do that, it's the government's
10 view that we should take the verdict of the 18
11 counts.

12 (Brief pause).

13 MR. GOLDSTEIN: We have no objection to that,
14 Your Honor.

15 THE COURT: Good.

16 I will make some arrangements with the jury.
17 The practice with this trial, as it was with the
18 first trial is, there will be at least a two-hour
19 interval before the verdict is actually returned,
20 this is for two purposes: One, to allow court
21 security to make necessary arrangements for securing
22 the availability of everybody who ought to be here.
23 I also, as a matter of course, notify the alternates
24 who did not sit and give them a period of time to
25 try to come here and see and actually witness the

1 verdict. As you may recall from the first trial,
2 most of them came. So that basically is what we're
3 going to do.

4 I will call you when I have a set time, and
5 that's basically that.

6 MR. SOROSKY: Could we suggest a time of 1:30
7 or 2:00 o'clock?

8 THE COURT: Actually, I think it'll be
9 sometime between 1:00 and 2:00, and the only reason
10 I'm saying this is at least you know that it's not
11 going to be any earlier than 1:00.

12 That being the case, thank you, counsel.

13 MR. SCHAR: Judge, the note that will go
14 back, will it just simply say return the verdict on
15 the 18? There will be some communication, I assume,
16 with the jury to indicate that they can return the
17 verdict that they have.

18 THE COURT: Your guess is quite accurate.

19 MR. SCHAR: Thank you, Judge.

20 THE COURT: Thanks.

21 (Recess.)

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	No. 08 CR 888
Government,)	
)	Chicago, Illinois
vs.)	
)	June 27, 2011
ROD BLAGOJEVICH,)	
)	1:07 o'clock p.m.
Defendant.)	

VOLUME 34
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL
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THE HONORABLE PATRICK J. FITZGERALD,
UNITED STATES ATTORNEY
BY: Reid J. Schar
Carrie E. Hamilton
Christopher Niewoehner
Debra Bonamici
Assistant United States Attorneys
219 South Dearborn Street;
Suite 500
Chicago, Illinois 60604

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(312) 435-5895

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Suite 307
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(773) 517-0622

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JURY VERDICT

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4

(The following proceedings were had out of
the presence of the jury in open court:)

:07PM

6

THE MARSHAL: All rise.

7

(The following proceedings were had in the
presence of the jury in open court:)

9

THE COURT: Please be seated.

:07PM

10

Does the foreperson have a verdict?

11

THE FOREPERSON: Yes, Your Honor.

12

13

THE COURT: If you would hand it to the
marshal, please.

14

(Brief pause).

:08PM

15

16

THE COURT: Mr. Walker, read the verdict,
please.

17

18

THE CLERK: 2008 CR 888, United States versus
Rod Blagojevich, verdict form.

19

"... with respect to Count 1 of the

:08PM

20

indictment, charged with wire fraud, we,

21

the jury, find defendant Rod Blagojevich

22

guilty.

23

With respect to Count 2 of the indictment,

24

charged with wire fraud, we, the jury,

:09PM

25

find the defendant guilty.

1 with respect to Count 3 of the indictment
2 charged with wire fraud, we, the jury,
3 find the defendant guilty.

4 With respect to Count 4 of the indictment
5 in which defendant is charged with wire
6 fraud, we, the jury, find the defendant
7 guilty.

8 With respect to Count 5 of the indictment
9 in which the defendant is charged with
10 wire fraud, we, the jury, find the
11 defendant guilty.

12 With respect to Count 6 of the indictment
13 in which the defendant is charged with
14 wire fraud, we, the jury, find the
15 defendant guilty.

16 With respect to Count 7 of the indictment
17 in which the defendant is charged with
18 wire fraud, we, the jury, find the
19 defendant guilty.

20 With respect to Count 8 of the indictment
21 in which the defendant is charged with
22 wire fraud, we, the jury, find the
23 defendant guilty.

24 With respect to Count 9 of the indictment
25 in which the defendant is charged with

1 wire fraud, we, the jury, find the
2 defendant guilty.

3 With respect to Count 10 of the indictment
4 in which the defendant is charged with
5 wire fraud, we, the jury, find the
6 defendant guilty.

7 With respect to Count 11 of the indictment
8 in which the defendant is charged with
9 attempted extortion, we, the jury, find
10 the defendant guilty."

11 -- I'm sorry, there's no verdict on that
12 count.

13 "With respect to Count 12 of the indictment
14 in which the defendant is charged with
15 attempted extortion, we, the jury, find
16 the defendant guilty.

17 With respect to Count 13 of the indictment
18 in which the defendant is charged with
19 solicitation of bribes, we, the jury, find
20 the defendant guilty.

21 With respect to Count 14 of the indictment
22 in which the defendant is charged with
23 conspiracy to commit extortion, we, the
24 jury, find the defendant guilty.

25 With respect to Count 15 of the indictment

1 in which the defendant is charged with
2 conspiracy to solicit and accept bribes,
3 we, the jury, find the defendant guilty.
4 With respect to Count 17 of the indictment
5 in which the defendant is charged with
6 soliciting bribes, we, the jury, find the
7 defendant not guilty.

8 With respect to Count 18 of the indictment
9 in which the defendant is charged with
10 conspiracy to commit extortion we, the
11 jury, find the defendant guilty.

12 With respect to Count 19 of the indictment
13 in which the defendant is charged with
14 attempted extortion, we, the jury, find
15 the defendant guilty.

16 With respect to Count 20 of the indictment
17 in which the defendant is charged with
18 conspiracy to solicit and accept bribes
19 we, the jury, find the defendant guilty.

20 (Brief pause).

21 THE CLERK: With respect to Count 11 of the
22 indictment in which the defendant is charged with
23 attempted extortion there is no verdict.

24 With respect to Count 16 of the indictment in
25 which the defendant is charged with attempted

1 extortion, there is not a verdict.

2 THE COURT: Anyone wish to have the jury
3 polled?

4 MR. SOROSKY: Yes, Your Honor.

5 THE COURT: You do.

6 Mr. Walker.

7 THE CLERK: As I call your juror number,
8 would you please stand and answer the following
9 question:

10 Juror 103, was this your verdict when you
11 signed it and is it now your verdict?

12 JUROR 103: Yes.

13 THE CLERK: Thank you.

14 Juror 120, was this your verdict when you
15 signed it and is it now your verdict?

16 JUROR 120: Yes.

17 THE CLERK: Thank you.

18 Juror 124, was this your verdict when you
19 signed it and is it now your verdict?

20 JUROR 124: Yes.

21 THE CLERK: Thank you.

22 Juror 131, was this your verdict when you
23 signed it and is it now your verdict?

24 JUROR 131: Yes.

25 THE CLERK: Thank you.

1 Juror 136, was this your verdict when you
2 signed it and is it now your verdict?

3 JUROR 136: Yes.

4 THE CLERK: Thank you.

5 Juror 140, was this your verdict when you
6 signed it and is it now your verdict?

7 JUROR 140: Yes.

8 THE CLERK: Thank you.

9 Juror 142, was this your verdict when you
10 signed it and is it now your verdict?

11 JUROR 142: Yes.

12 THE CLERK: Juror 146, was this your verdict
13 when you signed it and is it now your verdict?

14 JUROR 146: Yes.

15 THE CLERK: Thank you.

16 Juror 149, was this your verdict when you
17 signed it and is it now your verdict?

18 JUROR 149: Yes.

19 THE CLERK: Thank you.

20 Juror 174, was this your verdict when you
21 signed it and is it now your verdict?

22 JUROR 174: Yes.

23 THE CLERK: Thank you.

24 Juror 179, was this your verdict when you
25 signed it and is it now your verdict?

Verdict

5664

1 JUROR 179: Yes.

2 THE CLERK: Thank you.

3 And juror 181, was this your verdict when you
4 signed it and is it now your verdict?

5 JUROR 181: Yes.

6 THE CLERK: And so say the jury, this is your
7 consolidated verdict?

8 JUROR 103: Yes.

9 JUROR 120: Yes.

10 JUROR 124: Yes.

11 JUROR 131: Yes.

12 JUROR 136: Yes.

13 JUROR 140: Yes.

14 JUROR 142: Yes.

15 JUROR 146: Yes.

16 JUROR 149: Yes.

17 JUROR 174: Yes.

18 JUROR 179: Yes.

19 JUROR 181: Yes.

20 THE CLERK: Thank you, ladies and gentlemen.

21 THE COURT: Any further proceedings desired
22 by any of the parties with respect to this?

23 MR. SCHAR: No, Judge.

24 THE COURT: For the defense?

25 MR. SOROSKY: We would ask for a finding of

1 not guilty on the charges where the jurors could not
2 reach a verdict.

3 THE COURT: You can deal with that
4 afterwards.

5 Do you have anything that requires the
6 presence of the jury?

7 MR. SOROSKY: No.

8 THE COURT: Members of the jury, I want to
9 thank you very much for your service here. I
10 thought you were diligent both during the trial, to
11 the extent I can judge during deliberations
12 themselves.

13 I will be excusing you from jury service
14 shortly, but before I do so there's some things I
15 have to inform you about. So what I would like you
16 to do is go back to the jury room and I will be in
17 there shortly to speak with you.

18 THE MARSHAL: All rise.

19 (The following proceedings were had out of
20 the presence of the jury in open court:)

21 THE COURT: Be seated in the courtroom.
22 Counsel, approach the lectern.

23 (Brief pause)

24 THE COURT: I will expect with respect to
25 Counts 11 and 16 the government will communicate its

1 desires to me, but I'm not requiring that now.

2 with respect to post-trial motions, unless I
3 grant you extra time now, you have fourteen days.

4 Do you want more than fourteen days?

:16PM

5 MS. KAESEBERG: Yes.

6 MR. SOROSKY: Could we have to, say, ninety
7 days? How about --

:17PM

8 THE COURT: I'm not inclined to give you
9 ninety days, and the reason I'm not inclined to give
10 you ninety days is virtually everything that I
11 believe will be in a motion for a new trial or a
12 motion for acquittal has already been included in
13 one form or another in a fairly large volume of
14 mistrial motions. So I don't think you have an
15 issue with that. I'll give you twenty-eight days.

:17PM

16 MR. SOROSKY: Would the Court consider even
17 up to Labor Day or just --

18 THE COURT: Twenty-eight days.

19 THE CLERK: That date is July 25th.

:17PM

20 THE COURT: The government will have
21 twenty-one days to respond.

22 THE CLERK: August 15th.

23 THE COURT: Defendant will have fourteen days
24 to reply.

:17PM

25 THE CLERK: That's August 29th.

1 THE COURT: The issue that arises now is
2 whether I refer this to the Probation Office. I
3 would like to get that process started, and the
4 reason I would like to get that process started has
5 to do with the one count that was found upon in the
6 first trial, the charge which was undefended in the
7 defendant's closing argument. So possibly what I
8 want to do is I want to set a status for
9 thirty-five days from today.

10 which is, Mr. Walker?

11 THE CLERK: August 1st.

12 THE COURT: And I'll have a little better
13 idea of whether it's appropriate to order a
14 Presentence Investigation Report before the
15 post-trial motions are finished because I will have
16 seen the defense post-trial motion which will be a
17 factor in my decision with respect to that.

18 with that, anybody else want to bring
19 anything up?

20 MR. SCHAR: Judge, there are a couple of
21 different things we would like to raise with Your
22 Honor. First of all, there's still a forfeiture
23 allegation. We would move to dismiss that
24 allegation at this point as opposed to proceeding
25 with it, that's issue one.

1 Issue two, there have been some requests
2 about the version of the charges that went back to
3 the jurors, we'd like permission to go ahead and
4 file that, if we could.

5 THE COURT: You can file it, but for clarity,
6 at least with respect to the public, I believe
7 Mr. Walker has asked your office to prepare a chart
8 which shows how the numbers in that document
9 correspond with the numbers in the original.

10 MR. SCHAR: And maybe we'll just provide that
11 chart as opposed to --

12 THE COURT: I think that's probably the best
13 way to do it.

14 MR. SCHAR: Okay. Obviously there is issues
15 related, there are some sealed filings and there' a
16 motion that's up tomorrow --

17 THE COURT: No, that's going to be mooted
18 because the files that were sealed, including two
19 that weren't asked for, are going to be unsealed
20 before the end of this court day.

21 MR. SCHAR: So do we not need to appear
22 tomorrow, then?

23 THE COURT: What?

24 MR. SCHAR: We do not need to appear
25 tomorrow?

1 THE COURT: You do not need to appear
2 tomorrow. And we will call counsel for the movement
3 and inform counsel for the movement that those
4 documents are entirely unsealed.

5 MR. SCHAR: Judge, the last issue, from the
6 government's perspective, is the issue of bond. The
7 defendant has been out on a completely unsecured
8 bond without any travel restrictions up until this
9 point. And obviously the circumstances, given the
10 verdict that was just read here, have changed
11 significantly in terms of not only the amount to
12 have time he's facing but the seriousness of the
13 crimes for which he has now been convicted.

14 In addition to that, via the projection,
15 obviously his testimony, Judge, there is an inherent
16 finding that, at least from the government's
17 perspective, that he obstructed justice on the
18 stand, and, on top of that, if we point out to Your
19 Honor, as he continues to do, he continues to
20 repeatedly mislead the public and undermine these
21 judicial proceedings by statements that he has made
22 of obvious baseless statements you made to him, Your
23 Honor, which he knows are not true when he goes out
24 to the public and says them I expect will continue.

25 we're not asking for detention at this point,

1 but, obviously, Judge, the situation at the time of
2 sentencing may change, but we are asking that now
3 that we've dismissed the forfeiture allegations,
4 that he secure his bond with the properties that
5 were at issue there, and we're asking for any travel
6 restrictions to the Northern District of Illinois.
7 And on top of that, and I don't know if it changes
8 Your Honor's view in terms of the Presentence
9 Report, but we would like a sentencing date as
10 quickly as we can get one and certainly without
11 delay to resolve the end of this case.

12 THE COURT: With respect to your second
13 request, based on the schedule I've set, I'm
14 inclined to honor it, but I think in fairness to the
15 defendant I should look at his motion for new trial
16 before I do that. And if I am satisfied that there
17 is at least a substantial chance that he will be
18 sentenced on at least one count, and I suspect maybe
19 more than one count, I will order the Presentence
20 Investigation at that time. And the Presentence
21 Investigation can be excited largely because a lot
22 of the information the probation officer would
23 ordinarily secure by interviewing and checking
24 records is a matter of public record. So a lot of
25 the background stuff won't be too difficult to do,

1 so I think a short date will work for them as well.

2 That being said, the bond, release order
3 issue, you want to speak to that one for the
4 defense?

5 MR. SOROSKY: I just don't understand
6 what -- is it the government's request to have the
7 home put up as additional security, is that what, in
8 effect, he's saying in street talk?

9 THE COURT: I think what the government wants
10 is everything that is named in the forfeiture to be
11 put up to the extent he has any interest at all. It
12 may very well be that he's profoundly indebted with
13 respect to this stuff, but still, they're entitled
14 to have that done. And I will order that done
15 within the next seven days, if it's legally
16 possible, I think it is.

17 with respect to the travel restriction, I'm
18 imposing the travel restriction for fourteen days --
19 actually, I'm imposing the travel restriction,
20 period. He may not travel outside the Northern
21 District of Illinois without permission of the
22 Court, and this does not mean that I would never
23 grant permission, I may, under certain
24 circumstances, do so, but for now that restriction
25 applies.

1 And you can report back to me, one attorney
2 perhaps from each side rather than many, in
3 seven-day's time and tell me if the security aspect
4 of the case is resolved.

:24PM

5 MR. SOROSKY: We'll talk with the government
6 and try to resolve it.

7 THE COURT: And I think you will.
8 Anything further:

:25PM

9 MS. KAESEBERG: I believe you never ruled on
10 our motion for judgment of acquittal, so we renew
11 that notwithstanding the verdict.

:25PM

12 THE COURT: I think you should incorporate
13 all of that in your motion for a new trial, since
14 there's actually no purpose being served by it at
15 this stage. So what I'm going to do is I'm denying
16 the motion for judgment of acquittal as moot and you
17 can raise the same things in the motion for a new
18 trial or for a judgment of acquittal in connection
19 with the motion for new trial.

:25PM

20 Are we done?

21 MR. SCHAR: I believe we are, Judge.

22

23

24

:25PM

25

1 THE COURT: Thank you, counsel.

2 THE CLERK: All rise.

3

4

5 (which concluded the proceedings had on
6 this date in the above entitled cause.)

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Verdict

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I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED
MATTER

/s/Blanca I. Lara

date

Blanca I. Lara

Date